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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,377	02/01/2007	Juichi Kubo	062284	9876
38834 7590 12/09/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER MCNALLY, DANIEL				
ART UNIT		PAPER NUMBER		
1747				
NOTIFICATION DATE		DELIVERY MODE		
12/09/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

### Office Action Summary

**Application No.**

10/572,377

**Applicant(s)**

KUBO ET AL.

**Examiner**

DANIEL MCNALLY

**Art Unit**

1747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-13 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/22)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, 7, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hisatsune [JP61-62575A, of record, previously cited] in view of Swiggett et al. [US4693778, of record, previously cited, "Swiggett"] and Ikushima et al. [WO02/103202A1, of record, previously cited, relying upon US2005/0063839 as an English equivalent, "Ikushima"] for the same reasons expressed in paragraph 2 of the Office action mailed 6/25/2010.
3. Claims 2, 10, 11, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hisatsune, Swiggett and Ikushima, and further in view of Keyworth et al. [US5534101, of record, previously cited, "Keyworth"] for the same reasons expressed in paragraph 3 of the Office action mailed 6/25/2010.
4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hisatsune, Swiggett and Ikushima as applied to claims 1, 3, 4, 7, 8 and 9 above, and further in view of Keyworth et al. Hawkins [US3742107, of record, previously cited] for the same reasons expressed in paragraph 4 of the Office action mailed 6/25/2010.
5. Claims 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hisatsune, Swiggett and Ikushima and further in view of Yamaguchi et al.

[US20010011413, of record, previously cited, herein "Yamaguchi"] for the same reasons expressed in paragraph 5 of the Office action mailed 6/25/2010.

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hisatsune, Swiggett and Ikushima, and further in view of Inaba et al.

[US2002/0112821, of record, previously cited, herein "Inaba"] for the same reasons expressed in paragraph 6 of the Office action mailed 6/25/2010.

### ***Response to Arguments***

7. Applicant's arguments filed 9/27/2010 have been fully considered but they are not persuasive. Applicant argues Hisatsune is in the field of bonding two plates together or in the field of manufacturing a sheet holder, and is not analogous prior art.

Hisatsune's invention is the automatic coating and application of a coated wire to a substrate. Hisatsune is also in the field of applying adhesive coated wires, and the field of nozzles for applying coated wires. Furthermore, Hisatsune is solving the same problem as the claimed invention, improving the efficiency of applying a wire to a substrate by applying a coating of adhesive to the wire during application of the wire. Hisatsune is considered to be analogous prior art.

Applicant argues one would not be motivated to use expensive materials as optical fibers because it would destroy the intended purpose of Hisatsune. Hisatsune's purpose is to automatically coat and place a wire gap piece avoiding the use of skilled workers. Using a particular type of wire would not destroy the intended purpose of Hisatsune's invention.

Applicant argues the present invention adheres an optical fiber to a single substrate, and the adhesive is not required to be maintained equally on the upper side and the lower side. This argument is not commensurate with the scope of the claims, as the claims do not exclude having adhesive being maintained equally on the upper and lower sides of the wire.

Applicant argues Swiggett and Hisatsune are not analogous. Hisatsune is concerned with the application of a wire gap piece to a substrate. Hisatsune discloses metal wires are known. Swiggett is also concerned with the application of wires to a substrate, and Swiggett discloses optical fibers are alternatives to conductive metal wires.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL MCNALLY whose telephone number is (571)272-2685. The examiner can normally be reached on Monday - Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel McNally/  
Examiner, Art Unit 1747

DPM  
December 4, 2010

/Richard Crispino/  
Supervisory Patent Examiner, Art Unit 1747